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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,935	07/17/2003	Paul Anthony Ashley	AUS920030327US1	2329
63400	7590	05/11/2007		
IBM CORP. (DHJ) c/o DAVID H. JUDSON 15950 DALLAS PARKWAY SUITE 225 DALLAS, TX 75248			EXAMINER DINH, MINH	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 05/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/621,935	<b>Applicant(s)</b> ASHLEY ET AL.	
	<b>Examiner</b> Minh Dinh	<b>Art Unit</b> 2132	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Amendment***

1. This action is in response to the amendment filed 2/28/07.

***Response to Arguments***

2. Applicant's arguments filed 2/28/07 have been fully considered but they are not persuasive.

With respect to the rejection of claims 15-21 under 35 USC 101 because the claims are directed to a computer readable medium including encoded signals, which does not fall within one of the four statutory classes of § 101, Applicant argues that a "computer readable medium" type of claim does not become non-statutory because the medium may be realized using such signals (pages 2-3). First, a claimed signal is not a process under § 101 because it is not a series of step. Second, a claimed signal has no physical structure, does not itself perform any useful, concrete and tangible result and, thus, does not fit within the definition of a machine. Third, a claimed signal is not matter, but a form of energy, and therefore is not a composition of matter. Fourth, definitions of manufacture require physical substance, which a claimed signal does not have. Since encoded signals fall outside of all of the statutory categories, claimed signals do not comply with the statutory invention requirements of 35 USC 101.

With respect to the rejection of claims 1-21 under 35 USC 102(b), Applicant argues that Mark et al. (2002/0010768) does not disclose: obtaining state information about the set of authorized resources; evaluating availability of the set of authorized resources based upon the state information about the set of authorized resources; generating a list of a set of entitled resources for the user in response to evaluating availability of the set of authorized resources wherein the set of entitled resources is a subset of the set of authorized resources; and sending an indication of the set of entitled resources to the user (page 6). Mark discloses a method for user access control wherein each authorized user is entitled to a set of authorized resources (i.e., a set of user privileges) according to the user's profile, and each device (i.e., a computer used by a user to request/access resources) is associated with a set of resources according to the device's profile that the device can provide (Abstract; paragraphs 0016-0017). In particular, Mark discloses a method comprising: determining a set of authorized resources for which a user is authorized to access (paragraphs 0046-0047); obtaining state information about the set of authorized resources, i.e., obtaining information for each resource in the set of authorized resources as to whether the resource is available to the computer used by the user (paragraphs 0028, 0048-0049); evaluating availability of the set of authorized resources based upon the state information about the set of

authorized resources, i.e., determining session privileges identifying all resources that are both authorized to the user and available to the device used by the user (paragraphs 0017, 0050); in response to evaluating availability of the set of authorized resources, generating a list of a set of entitled resources for the user, wherein the set of entitled resources is a subset of the set of authorized resources (paragraph 0017, 0050-0051); and sending an indication of the set of entitled resources, i.e., providing terminal configuration and user interface configuration that are based on the session privileges (paragraphs 0051-0055).

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 15-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 15 is directed to a computer readable medium that provides instruction. Such a computer readable medium includes encoded signals (see Specification, page 29, lines 1-13), which does not fall within one of the four statutory classes of § 101. Applicant is suggested to change the claimed subject matter from "a computer readable medium" to "a computer storage medium". Please refer

to Annex IV of *Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility*, 1300 Off. Gaz. Pat. Office 142 (Nov. 22, 2005) (Patent Subject Matter Eligibility Interim Guidelines). Claims that are not specifically addressed are rejected by virtue of their dependency.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Marks et al. (US 2002/0010768 A1). Marks discloses a method and apparatus for determining current access privileges of a user, the current access privileges being a subset of the user's access privileges and access privileges available to the environment (Abstract).

Regarding claims 1-21, Marks specifically discloses a method comprising: determining a set of authorized resources for which a user is authorized to access, wherein the set of authorized resources is a subset of the set of resources (paragraphs 0016, 0047); obtaining state information about the set of authorized resources (paragraphs 0017, 0028, 0048-0049);

evaluating availability of the set of authorized resources based upon the state information about the set of authorized resources (paragraphs 0017, 0050); in response to evaluating availability of the set of authorized resources, generating a list of a set of entitled resources for the user, wherein the set of entitled resources is a subset of the set of authorized resources (paragraph 0017, 0050-0051); and sending an indication of the set of entitled resources to the user (paragraphs 0051-0055).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kristol, "HTTP Cookies: Standards, Privacy, and Politics"

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee

pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MD

Minh Dinh  
Examiner  
Art Unit 2132

5/9/07

  
GILBERTO BARRÓN JR  
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